

Town of Newport  
Regular Meeting of the Mayor and Commissioners  
May 20, 2021; 7:00 pm

Pledge of Allegiance.

Attendance: Mayor Franklin Walker, Vice Mayor CarolAnn Gretz, Commissioner Michele MacDonald, Commissioner Joseph Stagliano, Town Manager Wendy King, Police Chief Mark Wohner, Solicitor N. Christopher Griffiths

Minutes from the meeting of April 15, 2021, were approved via motion by Commissioner Stagliano and seconded by Vice Mayor Gretz. All Ayes. Reorganization meeting minutes were approved via motion by Vice Mayor Gretz and seconded by Commissioner Stagliano. All Ayes.

Town Manager's Report – Continuity of Operations Plan was completed with New Castle County and a resolution to adopt the plan was on the agenda. Annual gun mount report was completed and a little history on the acceptance and care of this piece was shared. Annual MS4 NPDES Stormwater Management report was submitted to the state. CARES Act grant reconciliation took place. Salary, benefit, and pension information was provided to Mayor Walker upon his request. Meetings were held with the mayor with department heads to discuss list created by a member of council and council-electees. Property tax invoices were processed and mailed. Holiday closure. ARPA distribution. Sewer enclosure quote.

Mayor Walker wanted to discuss sewer enclosure replacement/repair at lift station in the industrial park. He gave some background on his experience working at a waste water treatment plant and some information about the purpose of the pump houses and condition of the pumps. He was not happy with the quote because of the contractor's lack of taking responsibility for anything and suggested more quotes be obtained and suggested contacting DelTech Environmental Department.

Police Chief's Report – April, 2021, statistics. In response to last month's meeting, he assigned officers to sit on the stop signs on Ayre Street. He contacted DelDOT about the trucks going down Walnut to E. Ayre to James and they will be doing a study because if we want to limit traffic, they need to place signage to redirect the truck traffic. Mayor Walker asked about the existing signs. DelDOT would like to look at axle versus weight. Mayor Walker asked about a map that would advise the driver that the town would soon issue tickets. State accreditation will be finalized in August or September.

Alderman's Report - \$28,716 court collection for April, 2021. Commissioner MacDonald noted the outstanding amount and suggested an amnesty. There was some discussion regarding the feasibility of such a program and the disbursements being affected and the overall state of what is outstanding.

Donna Valiante, resident, Walnut Street, is concerned about the all the construction on 141 may be causing compromised streets in town and was curious if DelDOT had performed any studies about that. Mayor Walker advised her that state-maintained roads were built to state specifications and our side streets were not as strong. Mayor Walker advised again it was a state situation and acknowledged that our traffic situation would multiply times three. Add in the new traffic lights and there is no fixing that situation. As far as the sewer pump house repair, equipment and materials are more expense and there may be a larger lead time. She commented that the streets look superb. Chief Wohner did clarify that the study is not to determine an appropriate weight, but to use the appropriate signage.

Maintenance Report – Contacted New Castle County to check intersections / sewer manhole covers. Will be contacting the state. Curbs were painted. List of four-unit rentals went out in packet. Mayor Walker congratulated Supervisor Harvey on a job well done. There was discussion on business licenses for rentals and the importance of

assuring the homes are numbered. Mayor Walker asked if there was grass-cutting schedule. Commissioner MacDonald commented on the ADA curb repairs/sidewalks. Prioritizing tasks is important.

Code Enforcement – Robert Harvey, Code Enforcement, reviewed his report.

Solicitor's Report – Two litigations, memo drafted about hearing code enforcement cases in Court 42, recommendation to have an executive session to update council on litigation matters. Constructed a resolution for the transfer of the court cage if it is so decided to proceed with assignment.

Mayor Walker wanted to address the cage and advised that the commissioners voted to give the cage to the owner of the former First National Bank of Newport. He does not see the cage as surplus property and that the town has no use for it. Commissioner MacDonald stated she was on the fence because she missed seeing the cage while understanding that in order to update the building, it needed to be disassembled. She agreed that she wants to keep it in the town and understood the historical element. Mayor Walker offered more history on the First National Bank and noted that the owner made some enhancements to her property and that she should have this item. Solicitor Griffiths interjected with some insight on the purpose of the resolution he constructed. Mayor Walker did not understand why since there were three votes there should be no question. The vote was not finalized. Town Manager King suggested reaching out to the Public Integrity Commission to be sure there were no conflicts given the owner's current and previous involvement with town committees/government and to determine if this item can be construed as surplus property. Commissioner MacDonald agreed. Vice Mayor Gretz believed the cage belongs with the property, as does Mayor Walker. Mayor Walker wanted to store the cage in the property owner's garage which no one was opposed to.

Public Comment: Kathy Joseph, resident, Justis Street, told Supervisor Harvey that the streets looked great. She had a question for Chief Wohner about the theft/homicide in Elsmere and she wanted to know if the SUV was found. She is pleased to hear that the weight issue on the roads will be addressed. She was happy to see that the town website included resolutions, ordinances and business license information.

Curtis Clifton, President of Minquas Fire Company, introduced himself and shared with council his 48-year relationship with the firehouse. He was there to implore council to continue to allow the maintenance staff to answer calls during working hours. There are staffing issues, low volunteerism and lack on contributions. Vice Mayor Gretz asked how many volunteers are on their roster (40), the length of the runs (30-40 minute average), is it possible to pay them? (no), do other people leave their jobs? (no, most don't work close enough). Mayor Walker appreciated Mr. Clifton's time and noted that the town allowed staff participate when drivers were needed, but the issue is that the staff was spending too much time hanging out, which causes a perception issue. Due to not being allowed to go to the firehouse, productivity of the maintenance workers has increased dramatically. Town people are happy. There is work to be done and only two men to do it. He would be more likely to approve it if paid time off could be used to respond to calls. Supervisor Harvey responded that last year, they ate lunch at the firehouse and also used the computer since there was not a computer at the shop. He said they don't go all the time, but when the firehouse is short-staffed for drivers. Mayor Walker asked if he would consider using vacation time. Mr. Clifton does not want them to use their vacation time. Mayor Walker is trying to be accommodating while maintaining the perception of the town people. Commissioner MacDonald noted that companies are highlighting and encouraging volunteerism. She does not know what the solution is. Mr. Clifton advised that the truck did not get out 4 times so far this month because of lack of staff. Discussion continued. Mayor Walker wants to "okay" the fire chief. Commissioner MacDonald asked for public input. Ms. Valiante said she had heard the same things about the men being at the firehouse too much, but also has seen them working hard, so she sees both sides. Ms. Joseph recalls as a former commissioner that they allowed one man to respond. Mayor Walker appreciated the time Mr. Clifton's time.

New Business – Resolution 2021-002 – To adopt the Continuity of Operations Plan. It is a plan that will outline contact information, provide information on operations in the event of an emergency so the town could conduct business if there was an emergency. Tabled until next month to allow the commissioners the opportunity to read it in its entirety.

Mayor Walker wanted to advise the public that he and Commissioner Stagliano were out eating pizza and Vice Mayor Gretz walked in and picked up her pizza. There was no conversation.

Commissioner MacDonald asked if there was WIFI at the shop because she had an old computer she could allow us to use. There is a computer in the office that can be used on Wednesday, Thursday and Friday.

Mayor Walker asked for a motion to go into executive session – Commissioner Stagliano motioned and Vice Mayor Gretz seconded - to discuss litigation and the firehouse situation. He was advised that the firehouse situation had to be discussed in public session. Commissioner MacDonald asked if she could donate her salary back to the town to cover the absence of the maintenance men to go on firehouse runs. Mayor Walker advised it was not a matter of not having a computer or a lack of funds, but the issue is allowing both of them to leave the town to go on runs. He thought that allowing one man was a good idea. Commissioner MacDonald asked about a public referendum to allow the taxpayers what their opinion was because while the commissioners make the decision, the taxpayers are being serviced by the firehouse as well. Mayor Walker advised that a public referendum requires election machines and board and lack of payment to the board that was not likely. A special meeting could be a possibility. Mayor Walker made a motion to allow one maintenance worker to aid the firehouse and return as soon as possible. Commissioner MacDonald seconded.

Commissioner Stagliano stated he wanted to make some motions. All town vehicles stay in town. All town vehicles are not to be for personal use. Commissioner MacDonald questioned if that was for council to decide. Mayor Walker cited the charter regarding the police department and can be discussed. Police cars/trucks cannot be used personally, should not be taken home and brought back. The town pays for gas, tires, wear and tear and purchased to be used for the police. Chief Wohner advised the cars are not used personally and explained the purpose of having a take-home car and gave an example of how he responded to a homicide from his residence moments from notification. Commissioner MacDonald asked if a mileage log was utilized and confirmed that personal use was not happening. Chief Wohner stated he did take his vehicle to the beach on two occasions because he was on police business as the uniform supplier is in Lewes and to purchase a gun locker. Mayor Walker stated he received salary and benefit information for the employees, noted the town's budget at 1.5 million with 1 million being spent on those salaries and benefits. He said he had never seen so many police cars and that none are marked. The commissioners want the police cars marked and seen. He noted that the police officer working task force goes out of town and he has no knowledge what he is doing or where he goes. The commissioners do not want any officers working task force and they should be in proper uniforms and working in town. He said that he had never seen such a rich benefit package with the amount of vacation days and holidays. Chief Wohner clarified that police officers did not get paid for holidays and had not for the past several years. Mayor Walker continued speaking about the level of benefits and time off and that it was not acceptable. He went over the lists that he provided of tasks the commissioners want done and began talking about the list provided to the police chief and the responses that were given. They were concerned about the change in police uniform. There was discussion about the fact that only two out of seven police cars were marked. There was a comment from the audience about the added expense of marking the cars, but there was a businessman willing to mark the cars for no charge. Marked police cars are needed to navigate the heavily-trafficked roads. He and Commissioner Stagliano discussed the window tint and determined that tinted windows were acceptable. There was more discussion. Commissioner MacDonald said that it seems the perception is that council is trying to tell the police officers how to police. Mayor Walker continued to share the responses of the police chief and noted that council was being told "no" on everything. Chief Wohner said that he was not aware that there were to be negotiations and that he was simply providing background to why things are done the way they are done. Chief Wohner provided further explanation on several items on that list – tinted windows, take-home cars, current staffing, task force officer and the pride he feels for his department. Commissioner MacDonald is uncomfortable that council is trying to tell the police department what to do. Mayor Walker said that they were just talking. Something needs to be done. More conversation about the raise in taxes for trash, the employees' increase and the increase in the employees' healthcare contribution in the same year. Clarification on the seized cars being stored in the maintenance yard that technically do not belong to the town. He continued that resolutions will not all come tonight, but take-home cars – were they needed? He is not convinced

and didn't believe the commissioners would be on board either. A whole lot of things will need to be looked at for the town's survival.

Donna Valiante, resident, Walnut Street, asked if the police officers live in town. Mayor Walker advised that none of the officers live in town and that a few of them live out of state or downstate. She asked if the officers lived within a 10-15 mile radius and he said no. Chief Wohner stated that while he lives over the state line, he lives 8.5 miles away from the police station. She wanted to know what the savings or spending would be if there was a majority of officers living within a specific radius and saw the benefit for them to take the cars home. She noted that she questioned the pre-determined list of proposed changes. Mayor Walker said he ran for office to provide leadership and to save the town from disbandment because of disgruntled business owners. He is talking to them to assure them that they will be protected and give council a chance to get their feet on the ground. He said he had a question about body cameras and are they on. He said that he read that body cameras will be provided by the state of Delaware. She again said she sees that council wants change but it cannot all be accomplished all in two meetings. Commissioner Stagliano asked her to move on. She said that he was the one that brought up the subject and felt that council cut off the people who want to speak. Mayor Walker pointed out that previous council had a three-minute public comment rule that he has not imposed because he believed that everyone has the right to speak. Solicitor Griffiths advised that council should make a motion, get a second, answer questions, hear comments and vote. Mayor Walker said the stuff is not to be hidden and said that that town has been good to him and he has served as Commissioner, Mayor, Tax Assessor and Code Officer and he wants to see to it that its problems are solved. Commissioner MacDonald stated that a lot of changes are being proposed and it cannot all be done in one meeting and things need to be prioritized. Mayor Walker indicated that the previous police chief was being blamed for all of the window tinting. Commissioner Stagliano made a motion that all police cars with the exception of the chief's car be marked. Seconded by Vice Mayor Gretz. Chief Wohner advised that by marking all of the cars, it would affect the manner in which the department does investigations. Commissioner MacDonald agreed. There was more discussion about the cars and that all of the county patrol cars are marked, the state patrol cars are marked. Chief Wohner reiterated what was said in his meeting with the mayor was that those agencies have specific patrol units that of course will be marked and council is trying to compare apples to oranges and if those agencies were to do something that would require undercover or surveillance, there is a separate unit for that. Newport does not have the luxury of having a specific and separate patrol unit and that they have to make the vehicles we have work. Mayor Walker asked if Commissioner Stagliano would amend his motion to mark two vehicles. Ms. Valiante noted that the town was not the town of older times and that there were transients and drug issues and policing is different. Mayor Walker wanted the two Tahoes marked. There was further discussion about allowing Chief Wohner to choose the cars he was to mark. He will be marking the older black Tahoe and the new black Durango and offered that the fleet is black so he would not mark the grey Tahoe. Council would not repeat the motion. Voice vote was all ayes.

Mayor Walker made a motion to adjourn to executive session at 9:59 pm. Vice Mayor Gretz seconded.

Returned to regular session at 10:16.

Mayor Walker made a motion to adjourn; Commissioner MacDonald seconded.

Meeting adjourned at 10:17 pm.

